

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
:  
-v- : 04cr113 (DLC)  
:  
WILLIE BROWN, : ORDER  
:  
Defendant. :  
:  
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DENISE COTE, District Judge:

Willie Brown has moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). In 2007, Brown was sentenced to a term totaling 260 months' imprisonment after pleading guilty to distribution and possession with intent to distribute 5 kilograms or more of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c). Brown is now 74 years old, and he is serving his sentence at Federal Correctional Institution-Miami. The Bureau of Prisons ("BOP") projects that he will be released on October 29, 2024.

The instant motion for compassionate release is Brown's third such motion. On June 29, 2020, he filed a motion which was denied for failure to comply with the statutory exhaustion requirement of § 3582(c)(1)(A). The denial was without prejudice to a renewed application from Brown for compassionate release based on the COVID-19 pandemic, so long as he complied

with the statutory exhaustion requirement. Brown again filed for compassionate release on September 10, and that application was denied on October 9.

In a motion dated February 10, 2021, Brown renewed his request for compassionate release.<sup>1</sup> In this submission, Brown principally argued that compassionate release was warranted because his medical status has worsened since his prior application for compassionate release, including a potential recurrence of prostate cancer. In an Order of February 25, 2021, the Government was instructed to respond to Brown's motion, and the Government filed its response on March 25.

The BOP denied Brown's administrative request for compassionate release on January 21, 2021, so he has exhausted his administrative remedies. The Court may therefore reduce Brown's sentence if it finds that "extraordinary and compelling reasons" warrant a reduction. 18 U.S.C. § 3582(c)(1)(A)(i). The Court of Appeals for the Second Circuit has explained that, under the First Step Act of 2018, Pub. L. 115-391, 132 Stat. 5194, district courts are tasked with "independently . . . determin[ing] what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v.

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<sup>1</sup> The February 10, 2021 motion was received and docketed by these Chambers on February 19.

Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted).

If an extraordinary and compelling reason exists, the Court must also conclude that the sentencing factors set forth at 18 U.S.C. § 3553(a) weigh in favor of reduction.

The Government does not dispute that Brown's health conditions and age constitute extraordinary and compelling reasons warranting compassionate release but argues that the § 3553(a) factors weigh against release. The Court similarly considered Brown's age and health when evaluating his prior motion for compassionate release but concluded that the § 3553(a) factors weighed against granting compassionate release given the seriousness of Brown's offenses, which involved crimes stemming from his central role in a large international drug trafficking conspiracy. Medical records submitted by the Government indicate that Brown has not experienced a recurrence of cancer and that his medical situation has not materially changed since he was denied compassionate release in October 2020. Accordingly, the § 3553(a) factors continue to weigh against release, and it is hereby

ORDERED that the February 10, 2021 motion for compassionate release is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Brown a copy of this Order and note mailing on the docket.

SO ORDERED:

Dated:      New York, New York  
                  March 29, 2021

  
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DENISE COTE  
United States District Judge